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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Repertory of Practice of United Nations Organs and *Repertoire of the Practice of the Security Council*

Report of the Secretary-General

Summary

In conformity with General Assembly resolution 63/127, the present report outlines the progress made by the Secretariat since the last report (A/63/98) in updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. The Assembly is invited, in paragraphs 12 and 26 of the present report, to take action in the light of the conclusions drawn in sections II.F and III.E.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 63/127. In paragraph 9 of the resolution, the Assembly commended the Secretary-General for the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*. In paragraph 10, the Assembly noted with appreciation the contributions made by Member States to the trust fund for the updating of the *Repertoire*, as well as to the trust fund for the elimination of the backlog in the *Repertory*; and in paragraph 11, the Assembly reiterated its call for voluntary contributions to those trust funds and the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the two publications. In paragraph 12, the Assembly called upon the Secretary-General to continue his efforts towards updating the *Repertory* and the *Repertoire* and making them available electronically in all their respective language versions. In paragraph 13, the Assembly reiterated the responsibility of the Secretary-General for the quality of the two publications and, with regard to the *Repertoire*, called upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report of 18 September 1952 (A/2170). Finally, in paragraph 14, the Assembly requested the Secretary-General to submit a report on both the *Repertory* and the *Repertoire* to the Assembly at its sixty-fourth session.

II. *Repertory of Practice of United Nations Organs*

A. Preparation of supplements to the *Repertory of Practice of United Nations Organs*

2. Since the last report (A/63/98), the following progress has been made in the preparation of supplements to the *Repertory*. In July 2009, the Secretariat finalized and submitted for translation and publication volume IV of Supplement No. 8. Several other volumes are in different stages of preparation. In particular, the work progressed with respect to volume II of Supplements Nos. 7, 8 and 9. Work is also under way on three studies for volume VI of Supplements Nos. 8 and 9. However, lack of resources continued to affect the progress of work in the preparation of studies on certain Articles of the Charter of the United Nations pertaining to volumes III and VI.

3. The current status of the publication (original *Repertory* and supplements thereto), which, as a whole (including Supplement No. 10), should consist of 50 volumes, is as follows: 28 volumes have been published[1] and 7 volumes have been finalized and submitted for translation and publication.[2] Consequently, the

[1] *Repertory* and Supplements Nos. 1-6 (1946-1984), for a total of 26 volumes, and volumes V and VI of Supplement No. 7 (1985-1988).

[2] Volumes I and IV of Supplement No. 7 (1985-1988); volumes I and V of Supplements Nos. 8 (1989-1994) and 9 (1995-1999); and volume IV of Supplement No. 8 (1989-1994).

work to be completed comprises 15 volumes: 6 volumes[3] are in different stages of preparation; studies of 3 volumes[4] have been cross-referenced to the studies in the *Repertoire*; and the 6 remaining volumes pertain to the last reviewable period (Supplement No. 10) on which work is to be started.

4. Annex I to the present report sets out the responsibilities of individual Secretariat units for the preparation of *Repertory* studies on individual Articles. Annex II provides information on the status of the *Repertory*. Annex III provides information on the status of the *Repertoire*.

B. Availability of *Repertory* studies on the Internet

5. Studies from 35 complete volumes, including the 7 volumes in processing for publication, as well as advance versions of several studies pertaining to individual Articles which have been finalized and are awaiting completion of the respective volumes, continued to be made available on the United Nations website for the *Repertory* (www.un.org/law/repertory). The electronic version of the *Repertory* includes a full-text search feature, providing the users with the opportunity to search all the studies instantaneously for any word or combination of words in the three languages of the publication, namely English, French and Spanish.

6. Currently, all studies available in English are on the Internet, with a considerable number of them also available on the Internet in French and Spanish. Finalized studies awaiting publication are placed on the Internet in the language in which they have been prepared (English for most of them, and French for some of them). The Secretariat will continue to make available electronically all three language versions of the finalized *Repertory* studies.

C. Cooperation with academic institutions

7. The well-established cooperation with Columbia University Law School continued for the sixth consecutive year and recently contributed to the preparation of some studies pertaining to volume II.[5] The collaboration project established with francophone academic institutions (University of Paris X — Nanterre, University of Paris I — Sorbonne, University of Paris II — Assas, University of Nice, Centre d'études et de recherches internationales et communautaires (CERIC) — University of Aix-en-Provence, Free University of Bruxelles and University of Genève/Institut universitaire de hautes études internationales) also continued, thus leading to progress on other studies for volume II.[6]

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[3] Volume II of Supplements Nos. 7 (1985-1988), 8 (1989-1994) and 9 (1995-1999); volume IV of Supplement No. 9 (1995-1999); and volume VI of Supplements Nos. 8 (1989-1994) and 9 (1995-1999).

[4] Volume III of Supplements Nos. 7 (1985-1988), 8 (1989-1994) and 9 (1995-1999).

[5] Studies on Articles 9 (Supplements Nos. 7, 8 and 9) and 14 (Supplement No. 7) of the Charter.

[6] A study on Article 14 (Supplement No. 8) of the Charter was completed. Three other studies for Supplement No. 9 are in preparation.

D. Trust fund

8. In its resolution 63/127, the General Assembly reiterated its call for voluntary contributions to the trust fund established pursuant to its resolution 59/44, in order to eliminate the backlog in the *Repertory*. Accordingly, a note verbale was sent to all permanent missions to the United Nations reminding them of the possibility to make voluntary contributions to the trust fund and inviting them to bring the question of funding for the *Repertory* to the attention of private institutions and individuals who might wish to assist in that regard. The Secretary-General welcomes with appreciation the contributions to the trust fund received from the following Member States: Ireland (€5,000), Lebanon ($2,000), Turkey ($5,000) and the United Kingdom of Great Britain and Northern Ireland (£9,000).

9. Some of the available funds were used to finance the work of a consultant for a period of one month. During that period, the consultant was able to produce 13 studies for inclusion in volume IV of Supplements Nos. 8 and 9, thus leading to the completion of volume IV of Supplement No. 8.

10. Depending on the availability of funds, the possibility of using consultants for the preparation of other studies belonging to volumes that are near completion is being considered. Additional contributions to the trust fund are strongly encouraged so as to allow the Secretariat to carry out the effective elimination of the backlog in the *Repertory*.

E. Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

11. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization considered the item on the *Repertory* and the *Repertoire* at its last session, held from 17 February to 25 February 2009. In its report (A/64/33, para. 13), the Special Committee recommended, inter alia, with regard to the *Repertory*, that the General Assembly commend the Secretary-General for the progress made in the preparation of studies, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose; note with appreciation the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*; reiterate its call for voluntary contributions to the trust fund so as to further support the Secretariat in carrying out the effective elimination of the backlog in the *Repertory*, as well as the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the publication; call upon the Secretary-General to continue his efforts towards updating the publication and making it available electronically in all its language versions; and reiterate the responsibility of the Secretary-General for the quality of the *Repertory*.

F. Conclusions

12. **With respect to the *Repertory*, in the light of the foregoing, the General Assembly may wish:**

(a) **To note the current status of the publication, including the progress made in the preparation of *Repertory* studies and in their posting on the Internet in three languages (English, French and Spanish);**

(b) **To consider the recommendation of the Special Committee (see para. 11 above) concerning the increased use of the internship programme of the United Nations and the further expanded cooperation with academic institutions for the preparation of studies; voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog; the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the publication; the call upon the Secretary-General to continue his efforts towards updating the publication and the desirability of making it available electronically in all its language versions; and the reiteration of the Secretary-General's responsibility for the quality of the *Repertory*;**

(c) **To express appreciation for the contribution received to the trust fund for the elimination of the backlog in the *Repertory*; to note the progress made towards the elimination of that backlog through the utilization of the trust fund; and, therefore, to strongly encourage States to make additional contributions to the trust fund.**

III. Repertoire of the Practice of the Security Council

A. Mandate and preparation

13. By its resolution 63/127, the General Assembly called upon the Secretary-General to continue his efforts towards updating the *Repertoire of the Practice of the Security Council* and making it available in all language versions. The *Repertoire*, originally mandated by the General Assembly in its resolution 686 (VII) of 5 December 1952, continues to provide a record of the evolving practice and procedure of the Security Council in the framework of the Charter of the United Nations and the Council's provisional rules of procedure.

14. Pursuant to the mandate provided by the Assembly, the Secretariat made much progress in the preparation of supplements to the *Repertoire* since the last report (A/63/98). In line with the "two-track" approach that allows the simultaneous preparation of two or more supplements, the Secretariat continued to focus on the Security Council's contemporary practice, in which Member States have expressed the most interest, while concurrently ensuring progress in coverage of the Council's earlier practice. This past year, the Secretariat worked on the thirteenth, fourteenth and fifteenth Supplements to the *Repertoire*, covering the periods 1996 to 1999, 2000 to 2003 and 2004 to 2007, respectively, within the context of the modalities outlined in paragraphs 102 to 106 of the Secretary-General's report of 18 September 1952 (A/2170).

15. In terms of past practice, the Secretariat reached an important milestone in the updating of the *Repertoire* by completing the thirteenth Supplement, covering the four-year period at the end of the previous decade (1996-1999). This development will allow the Secretariat to focus all of its efforts on the contemporary practice of

the Security Council since 2000 onwards. All 12 chapters of the completed thirteenth Supplement are now accessible electronically on the *Repertoire* website in an advance version while, during the course of 2009 and possibly in the early part of 2010, this Supplement undergoes the prolonged process of editing, indexing and translation into all official languages of the United Nations.

16. As far as the fourteenth Supplement is concerned, covering the period 2000-2003, all chapters of this volume will be completed and made available electronically on the *Repertoire* website in an advance version by the end of 2009. Eleven out of the 12 chapters of the Supplement have already been finalized and posted.

17. The completion of the thirteenth Supplement and near completion of the fourteenth Supplement has allowed the Secretariat to pick up pace in its preparation of the fifteenth Supplement covering the four-year period from 2004-2007. In the hope that the staffing situation of the Security Council Practices and Charter Research Branch of the Security Council Affairs Division will remain at current levels, the Secretariat has set itself an ambitious target of completing all chapters of this Supplement with the exception of one by the end of 2009. The remaining chapter of this Supplement, which provides a chronological record of the Security Council's consideration of items on its agenda, is expected to be completed in early 2010.

18. By closely tracking and recording contemporary practice of the Security Council in internal databases, the Secretariat has systematically been laying the groundwork for the preparation of the sixteenth Supplement, covering a two-year period (2008-2009). Progress on this Supplement will depend on the continued availability of resources, which is considered further in section III.D below.

19. The simultaneous preparation of several voluminous supplements to the *Repertoire* has not been without challenges. Though the Secretariat has managed to achieve, through various initiatives, progress towards updating the *Repertoire* and providing Member States with more up-to-date information on current Council practice, it has faced additional challenges in terms of editing, translating, indexing and publishing these supplements. The Secretariat is continuing to explore various options to address the existing resource constraints and consequent delays in publishing the supplements. In the interim, one of the options it has increasingly relied upon has been the posting of completed supplements and individual chapters of supplements under preparation in an advance version on the *Repertoire* website.

B. Advance publication: availability of *Repertoire* studies on the Internet

20. The *Repertoire* website continues to be a useful source of information regarding the practice of the Security Council, as evidenced by the feedback received from users. The Secretariat is in the process of upgrading the website to further enhance its search capabilities and make it more user-friendly.

21. To allow access to information as quickly as possible, the Secretariat has posted on its website finalized chapters of the *Repertoire* in an advance version (see annex III to the present report). All chapters of the twelfth and the recently completed thirteenth Supplements have been posted in an advance version on the website. For the fourteenth Supplement (2000-2003), all procedural and constitutional chapters

have been posted in an advance version and the entire volume is expected to be available by the end of 2009.

22. As for the fifteenth Supplement (2004-2007), several chapters are already available in an advance version on the website. It is expected that the remaining chapters will be posted in an advance version by the end of 2009, and the entire volume will be available on the website in early 2010.

23. In addition to the preparation of the *Repertoire*, upon request, the Secretariat provides information on questions relating to both the current and past practice of the Council and its subsidiary organs. Notably, an increasing number of such requests from Member States, as well as from non-governmental organizations, United Nations system staff, students, academic scholars/researchers, and journalists reach the Secretariat through the English website of the *Repertoire*. This past year alone, the Secretariat received around 200 communications and requests for information from all over the world through this channel — and replied to all in a timely and accurate fashion.

C. Publication in language versions (print and electronic)

24. In compliance with General Assembly resolution 55/222, in which the Assembly requested the Secretary-General to publish the future supplements to the *Repertoire* in all six official languages, the tenth Supplement was published accordingly. The Secretariat will continue to submit completed and edited volumes of the *Repertoire* for translation and publication into all official languages. It will also continue to undertake every effort to make the latest chapters of the *Repertoire* available online in the six official languages. While language versions of the eleventh Supplement are expected to be available in hard copy this year, as a major innovation, in response to requests from Member States, the Secretariat has already posted the Supplement on the *Repertoire* websites in Arabic, Chinese, French, Russian and Spanish.[7] Previously, only the English text had been available online.

D. Resources

25. The preparation and publishing of the *Repertoire* would not have been possible without the continued support of the General Assembly. Research assistance from interns has also served as an important resource for the work on the *Repertoire*. Voluntary contributions to the trust fund for the updating of the *Repertoire* remain an important element for sustaining progress in an environment of financial constraint. The Secretariat is grateful to those Member States which have contributed to the trust fund, thereby making it possible to retain the services of qualified temporary staff assisting in the preparation of the *Repertoire*. Since the last report (A/63/98), additional contributions to the trust fund have been received from Croatia and the Russian Federation. In addition, the sponsorship by Germany, Italy and Norway of associate experts who have been making a valuable contribution to

[7] Arabic: www.un.org/arabic/sc/repertoire; Chinese: www.un.org/chinese/aboutun/prinorgs/sc/repertoire; English: www.un.org/Depts/dpa/repertoire; French: www.un.org/french/docs/cs/repertoire; Russian: www.un.org/russian/sc/repertoire; Spanish: www.un.org/spanish/Depts/dpa/repertoire.

advancing the work on the *Repertoire*, have helped the Secretariat move closer to its goal of updating the publication. That challenge, however, remains to be met fully. Member States are therefore encouraged to continue to support the *Repertoire* through their voluntary contributions.

E. Conclusions

26. **With respect to the *Repertoire of the Practice of the Security Council*, in the light of the foregoing and the recommendations made by the Special Committee on the Charter of the United Nations at its session held from 17 to 25 February 2009, the General Assembly may wish:**

(a) **To note the progress made towards the updating of the *Repertoire*;**

(b) **To note the implementation of efficiency-enhancing measures to expedite the preparation of the *Repertoire*;**

(c) **To note the continued posting of the *Repertoire* in electronic form in all language versions on the United Nations website;**

(d) **To reiterate its call for voluntary contributions to the trust fund for the updating of the *Repertoire*;**

(e) **To note with appreciation the support which Germany, Italy and Norway have extended by sponsoring, on a voluntary basis, associate experts to assist in the preparation of the *Repertoire*, and to encourage other Member States in a position to do so to consider providing such assistance.**

Annex I

Secretariat units bearing primary responsibility for the preparation of *Repertory* studies on individual Articles of the Charter of the United Nations*

Department	*Repertory volume*
Office of Legal Affairs	Volume I: Articles 1 to 7
	Volume II: Articles 13 (1) (a), 18, 19 and 22
	Volume VI: Articles 92 to 99, 102 to 105 and 108 to 111
Department of Political Affairs	Volume II: Articles 10, 12, 13 (1) (a), 14 and 16
	Volume III: Articles 23 to 39 and 107
	Volume V: Articles 73 to 85, 87 and 88
Department of Peacekeeping Operations	Volume III: Articles 40 to 54 and 106
Office for Disarmament Affairs	Volume II: Article 11
Department for General Assembly and Conference Management	Volume II: Articles 9, 15, 20 and 21
	Volume IV: Articles 60, 61, 62 (3) and (4), 65 to 69 and 72
	Volume V: Articles 86 and 89 to 91
Department of Management	Volume II: Article 17
	Volume VI: Articles 100 (1) and 101
Department of Management with Office of Legal Affairs	Volume VI: Article 100 (2)
Department of Economic and Social Affairs	Volume II: Articles 8[a] and 13 (1) (b) and (2)
	Volume IV: Articles 55 (a) and (b), 57 to 59, 62 (1), 63, 64, 70 and 71
Office of the United Nations High Commissioner for Human Rights	Volume II: Article 13 (1) (b)
	Volume IV: Articles 55 (c), 56 and 62 (2)
Office for Outer Space Affairs	Volume II: Article 13 (1) (a)

* This distribution is the result of several decisions of the Interdepartmental Committee on Charter Repertory taken at various points in time since 1996 and is subject to review by the Committee.

[a] The Department of Management (Office of Human Resources Management) is responsible for the preparation of Article 8 for the period up to and including 1996. For the period from 1997 onward, that responsibility falls to the Department of Economic and Social Affairs.

Annex II

Status of the *Repertory of Practice of United Nations Organs* (July 2009)

Legend:

Volumes published and on Internet | Studies submitted for publication | Studies on Internet (not submitted for publication) | Studies in preparation or in review | Cross reference to the *Repertoire* of the Security Council

Note: The organization of studies in volumes, as indicated below, relates to Supplements Nos. 6 to 9, and varies for the *Repertory* and Supplements Nos. 1 to 5.

Volumes, Articles (paras. in parentheses)	*Original Repertory*	*Supplements*								
		1	*2*	*3*	*4*	*5*	*6 (1970-1984)*	*7 (1985-1988)*	*8 (1989-1994)*	*9 (1995-1999)*
Volume I							I	I	I	I
Articles 1-8										
Volume II							II	II	II	II
Articles 9, 13 (para. 1a, second sentence), 14-16, 18-22										
Articles 10-12										
Article 13 (1b, 2)										
Articles 13 (1a, 1), 17										
Volume III							III	III	III	III
Articles 23-25										
Article 26										
Articles 27-51									1992	1995 1999
Articles 52-54										
Volume IV							IV	IV	IV	IV
Articles 55 (a, b, c), 56-61, 62 (1, 3), 62 (4), 63, 64, 66-72										
Articles 62 (2), 65										
Volume V							V	V	V	V
Articles 73-91										
Volume VI							VI	VI	VI	VI
Articles 92-96, 98 (section dealing with treaties), 102, 106-111										
Articles 99, 103-105										
Article 100										
Articles 97, 98 (partially prepared)										
Article 101										

Studies prepared between 1954 and 1980

Studies prepared between 1996 and 2009

Annex III

Status of the *Repertoire of the Practice of the Security Council* (July 2009)

Volumes published and posted on the Internet	Chapters completed and posted on the Internet in advance version	Chapters in preparation

Repertoire/ Supplement	*Procedural chapters*							*Constitutional chapters*				*Languages (published)*
	1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	
Original volume 1946-1951													English, French
Supplement I 1952-1955													English, French
Supplement II 1956-1958													English, French
Supplement III 1959-1963													English, French
Supplement IV 1964-1965													English, French
Supplement V 1966-1968													English, French
Supplement VI 1969-1971													English, French
Supplement VII 1972-1974													English, French
Supplement VIII 1975-1980													English, French
Supplement IX 1981-1984													English, French
Supplement X 1985-1988													Arabic, Chinese, English, French, Russian, Spanish[a]
Supplement XI 1989-1992													English; advance Arabic, Chinese, French, Russian and Spanish versions posted on Web
Supplement XII 1993-1995													
Supplement XIII 1996-1999													
Supplement XIV 2000-2003													
Supplement XV 2004-2007													
Supplement XVI 2008-2009													

[a] As mandated by the General Assembly in resolution 55/222, this Supplement and future Supplements of the *Repertoire* are to be published in all official languages of the United Nations.